

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

EDWARD J. GLADNEY §
VS. § CIVIL ACTION NO. 1:18cv293
UNITED STATES OF AMERICA, ET AL. §

MEMORANDUM OPINION AND ORDER REGARDING SEVERANCE

Plaintiff Edward J. Gadney has filed a motion to add defendants. The court construes the motion as an amended complaint. In his motion, plaintiff adds the following individuals, who are employed at the United States Penitentiary at Tuscon, Arizona, as defendants: Officer D. Madrid, Lieutenant Van Devender, Captain D. McWhorter, Case Manager K. Lewis, Nurse M. Norgren, Disciplinary Hearing Officer J. Ciupo, Warden J.T. Shartle and Jose Santana.

The claims against these individuals are asserted pursuant to *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971). Venue in a *Bivens* action is governed by 28 U.S.C. § 1331(b). *Stafford v. Briggs*, 444 U.S. 527, 542 (1980). This section states venue is proper in any district where a defendant resides, if all defendants are residents of the state in which the district is located, or in a district in which a substantial part of the events giving rise to the claims occurred.

Plaintiff's claims against the defendants listed above arose out of events that occurred in Arizona. In addition, all but one of such defendants appear to reside in Arizona. These claims do not involve events that occurred in the Eastern District of Texas and the additional defendants do not reside in the Eastern District. As a result, venue with respect to the claims against these defendants is not proper in this court. When a case or claim is filed in the wrong district, the court "shall dismiss, or if it be in the interests of justice, transfer such case to any district or division in which it could have been brought." 28 U.S.C. § 1406(a).

ORDER

Accordingly, it is **ORDERED** that plaintiff's claims against the defendants listed above are **SEVERED** and **TRANSFERRED** to the United States District Court for the District of Arizona.

SIGNED this 4th day of August, 2020.



Zack Hawthorn
United States Magistrate Judge